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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-187696

DATE: November 4, 1976

MATTER OF: Kulite Semiconductor Products, Inc.

DIGEST:

Protest to GAO filed more than 10 days after notification of adverse agency action on initial protest to agency is untimely and not for consideration on merits.

By mailgram of September 16, 1976, Kulite Semiconductor Products, Inc. filed a protest with the Bureau of Reclamation, Department of the Interior against the award of a contract to Ametek Controls Division under Invitation for Bids No. 100-1836. That protest was denied by a letter dated September 23, 1976, which was received by Kulite on September 27, 1976. On October 22, 1976, Kulite filed a protest with our Office against the agency's rejection of its initial protest. Our Bid Protest Procedures provide in pertinent part:

"* * * If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered* * *." 4 C.F.R. § 20.2(a) (1976).

In the instant case, Kulite's protest to our Office was not filed until 18 days after it was notified that its protest to the agency was denied. Consequently, the protest is untimely and will not be considered on the merits. Applied Data Research, Inc., B-185688, January 30, 1976, 76-1 CPD 69.

Paul G. Dembling
Paul G. Dembling
General Counsel